

Interview with Ambassador Osmo Lipponen, Head of the OSCE Presence in Albania, on draft property law

1. Mr Lipponen, why did the OSCE engage itself in drafting the property law?

You know very well that the property issues have remained unsolved for several years, despite all the repeated efforts in this country. And the outstanding issues might have negative effect on the entire society: they have economic, political and social implications. You know also that the initiative for our engagement in the issue of property restitution came from both the opposition and the government a little bit less than a year ago. There was a need to find a comprehensive solution to this question. And I have to remind that the Presence agreed not to draft the law, as you asked, but to support the process, facilitate the negotiations and provide all the expertise and support possible. Since there seems to be trust in us, we took the challenge. During this almost a year there have been several phases in the process before the actual work started. But then finally we were again asked officially to step in by the Prime Minister, the opposition and also, what was the most important, by the Speaker of parliament. Then we took to the actual work. As I said, we were fully aware of the difficulties, but we are here to provide good services. And what was important, we did not have the support only by the government and the opposition, but we also had the support of the key players of the international community. We presented our background memo on the issue to the European Commission and the US Embassy. They both said go ahead with it.

2. Do you have any guarantee that the Assembly will support this law, given that the Republican Party members opposed it and, what would it mean if the law is turned down by the Assembly ?

I cannot say there are any guarantees, but I believe that the draft prepared by the Technical Expert Group is a really good basis for parliament to work on. The OSCE will keep working closely with parliament and its different committees during this process. Based on the feedback that we have already received from parliament, it looks the draft is more than welcome. There are also voices in the negative sense, but it is the majority, however, that will decide on the result of the law. We will be there, if we are needed, to provide further drafts for the by-laws and all the possible means for implementation of the law.

In a way, parliament is not tied to accept any of these drafts as such. It is part of the normal parliamentary work that the parliament makes its own imprints and finalizes the draft, and then the outcome is the law. But if for some reasons this draft is not a good basis and there will be no big enough consensus about it, then there is no alternative but to continue the work.

3. Why was the deadline for drafting the law postponed from July to October?

There is a number of reasons. First of all, because of the delay with the appointments of the technical experts representing the parties. The parties were the Socialist Party, the Democratic Party and the Republican Party. Second, the Expert Group and the members needed time to collect all the necessary background material and data for this extremely demanding task. And we needed also the data from the government, the processing of which was finally sped up after the intervention of the Deputy Prime Minister Ermelinda Meksi, following our discussion on the issue. Third, we had decided that we had to hear all the interest groups despite the fact that during the previous discussions on the property restitution they had had the chance to speak, but we wanted to have them have their saying in the current situation. Fourth, this is an extremely complicated question also for the Experts Group, and that is why there had to be a real debate between the experts in the group. Not just technical hearings, but a real debate on the alternatives, with arguments, counter arguments and then coming to the end of process, to the best possible result. Fifth, both the Government and Mr Mediu needed and wanted a second hearing which was, of course, granted to them. Sixth, the representative of the Republican Party to the Technical Expert Group, Mr Agim Tartari, at one point left the work and went abroad, but then came back. This was important for the finalization of the work and we want to thank him for that. And to conclude, this kind of drafting process, as I already said, is extremely demanding and in the international terms we have done this in such a short time that is a kind of a record.

4. Why is the property restitution foreseen for 2006?

There has to be a deadline, because the land market needs to be stabilized. Many other issues also need a certain deadline so that they can be addressed. There has to be enough time for everybody to file in one's claims and time to handle the claims. The new draft law is expanding the group of people to include the ex-owners, who will benefit from the law, so this is another reason to reserve enough time for those people to present their claims. It was the Republican Party representative's suggestion to have this transition period and it was accepted by the Experts Group. The year 2006 was also the suggestion of the representative of the Republican Party and the Group supported it.

5. Did the international institutions oblige Albania to approve this law or it was the request by the Albanian government itself?

I would like to stress that it has been of a primary importance for the Government of Albania, and not only for the Government, to solve this question. It is also true that the EU has set a resolution to the property problem as a condition to accession talks. But there has been no heavy pressure from their side. They have given the full support to us. And if we go to the basics, it is the Constitution that is demanding, by setting the target, that this issue is solved. It is not only the European Union, but also several international organizations, which have stressed the importance of finding a liable lasting solution to the property restitution in this country.

6. Does the new draft cancel the previous law on property?

This is a new law, even though it has certain elements of the old law. It is parliament which will decide.